

# EXHIBIT “5”

PHILADELPHIA COURT OF COMMON PLEAS  
PETITION/MOTION COVER SHEET

FOR COURT USE ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE:
Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at <a href="http://courts.phila.gov">http://courts.phila.gov</a>	

City of Philadelphia

VS.

Abraham Iturbide et al

INDICATE NATURE OF DOCUMENT FILED:

- ☐ Petition (Attach Rule to Show Cause) ☐ Motion  
☒ Answer to Petition ☐ Response to Motion

CONTROL NUMBER:

19010128

(RESPONDING PARTIES MUST INCLUDE THIS  
NUMBER ON ALL FILINGS)

JAN Term, 2019  
Month Year

No. 181203469

Name of Filing Party:  
Abraham Iturbide

- (Check one) ☐ Plaintiff ☐ Defendant  
 (Check one) ☐ Movant ☐ Respondent

Has another petition/motion been decided in this case? ☐ Yes ☐ No  
 Is another petition/motion pending?

If the answer to either question is yes, you must identify the judge(s): ☐ Yes ☐ No

TYPE OF PETITION/MOTION (see list on reverse side) <u>Petition for Temporary Restriction</u>		PETITION/MOTION CODE (see list on reverse side) <u>PTEMP</u>
ANSWER/RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding): <u>Response to Temporary Restriction ordered Preliminary Injunction</u>		
<p><b>I. CASE PROGRAM</b></p> <p>Is this case in the (answer all questions):</p> <p><b>A. COMMERCE PROGRAM</b>          Name of Judicial Team Leader: _____          Applicable Petition/Motion Deadline: _____          Has deadline been previously extended by the Court?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>B. DAY FORWARD/MAJOR JURY PROGRAM</b> — Year _____          Name of Judicial Team Leader: _____          Applicable Petition/Motion Deadline: _____          Has deadline been previously extended by the Court?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>C. NON JURY PROGRAM</b>          Date Listed: _____</p> <p><b>D. ARBITRATION PROGRAM</b>          Arbitration Date: _____</p> <p><b>E. ARBITRATION APPEAL PROGRAM</b>          Date Listed: _____</p> <p><b>F. OTHER PROGRAM:</b> _____          Date Listed: _____</p>		<p><b>II. PARTIES (required for proof of service)</b>          (Name, address and telephone number of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.)</p> <p><u>Abraham Iturbide et al</u>  <u>508 W. Tabor Rd</u>  <u>Philadelphia PA 19120</u></p> <p><u>The City Deputy Counsel</u>  <u>City of Philadelphia</u>  <u>1401 JFK Blvd 5th Fl</u>  <u>Philadelphia PA 19102</u></p>
<p><b>III. OTHER</b></p> <p>By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.</p>		

[Signature] 1/3/2019 Abraham Iturbide  
 (Attorney Signature/Unrepresented Party) (Date) (Print Name) (Attorney I.D. No.)

The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date will be granted even if the parties so stip City Of Philadelphia Vs Ituah Etal-MTANS



IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

City of Philadelphia  
Plaintiff/Petitioner

v.

Abraham Israel et al  
Defendant/Respondent

:  
:  
:  
:  
:  
:  
:

JAW Term, 20 19

No. 181203469

Control No. 19010128

RULE

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing Motion/Petition \_\_\_\_\_

\_\_\_\_\_, a RULE is hereby entered upon the Respondent to show cause why the relief requested therein should not be granted.

RULE RETURNABLE on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., in Courtroom \_\_\_\_\_, City Hall, Philadelphia, PA 19107.

BY THE COURT:

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

City of Philadelphia  
Plaintiff

v.

Abraham Itrish et al

Defendant

Jbw Term, 2019

No. 181203469

Control No. 19010128

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the  
Motion/Petition \_\_\_\_\_, and  
any response thereto, it is ORDERED and DECREED that said Motion/Petition is \_\_\_\_\_.

BY THE COURT:

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 TRIAL DIVISION - CIVIL

City of Philadelphia  
 Plaintiff

v.

Abraham Ituah et al.  
508 W. Tabor Road, Phil.  
 Defendant

JP Term, 20 19  
 No. 18/203469

Control No. 19010/28

Defendants' Response to Petition for Temp. Restriction  
(Please fill in information below)  
Order And Preliminary injunction

Defendants, Abraham Ituah, respectfully respond to Plaintiff petition for a Temporary Restraining Order and preliminary injunction pursuant to Pa. R.C.P. 1531 and answer as follows:

- (1) Admitted in Part. Abraham Ituah and JP Morgan Chase owned the premises at 508 W. Tabor Road, Philadelphia. 10% interest for Abraham Ituah and 90% interest for JP Morgan Chase.
- (2) Admitted.
- (3) Admitted in Part. Not about: The inspector was called by the police on December 27, 2018 to inspect the property. There is no expert report from building engineering to form such opinion. The construction man

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 TRIAL DIVISION - CIVIL

City of Philadelphia  
 Plaintiff

JAV Term, 2012  
 No. 181203469

v.  
Abraham Itruah et al.  
588 W. Tabor Rd.  
 Defendant

Control No. 19010128

Defendants Response to City Petition for Temp. Restriction  
(Please fill in information below) Order and Preliminary Injunction

braced the side to prevent further shift before completing the repairs. See exhibits A-C.

④ Denied. Defendant was not in town. The notice was posted on the Door on December 27, 2018. The inspector called on the phone to mention that I have Ten (10) days to correct the violations. Defendant have not seen the said violation notice 668607 prior to reviewing this complaint.

⑤ Denied. It is just 7th day. I met with Three (3) Contractors, contacted the

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

City of Philadelphia  
Plaintiff

v.

Abraham (truck) et al,  
508 W. Tabor Rd  
Defendant

JAW Term, 20 19  
No. 18/203469

Control No. 19010128

Defendant Response to City Petition -  
(Please fill in information below)

in Surrence Company and JP Morgan Chase  
for possible solutions.

- (6) Admitted in part. A temporary side brace was performed by a Contractor and all occupants are evacuated.
- (7) Denied. As explained above
- (8) Denied. There is no justifiable proof from building expert to form such opinion.
- (9) Denied.
- (10) Admitted in part. Defendants are prepared to correct the violations.

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 TRIAL DIVISION - CIVIL

City of Philadelphia  
 Plaintiff

v.  
Abraham Hueh, et al  
508 N. Tabor Rd  
 Defendant

JAW Term, 20 19  
 No. 18/203469

Control No. 19010128

Defendants Response to City petition  
 (Please fill in information below)

- (11) Denied. Defendants definitely will suffer financially and psychologically especially as the City sold Defendant property previously in September 15, 2015 because of Tax lien of around \$5,000. The property at the time of sale worth \$250,000 and used as a loan amount of \$60,000.
- (12) Denied. Defendants property remained safe, not in demolition state like most United Properties in the city.
- (13) Denied. The inspector Carol's assessment is inaccurate as no obvious shifts of the building is noticeable inside the building.
- (14) Denied. Plaintiff claim is biased against the Defendants.



IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

City of Philadelphia  
Plaintiff

v.  
Abraham Hueh et al  
508 W. Tabor Rd  
Defendant

JAW Term, 20 19

No. 18/203469

Control No. 19010128

Defendants Response to City petition

(Please fill in information below)

(15) Denied. Defendants efforts is to correct the violation as none of the contractors expressed difficulty correcting it. ~~INTERESTING~~ Therefore, Defendants request that the city demands are denied as the time allowed to correct the violation is days from now and the assessment alleged by the Inspector Carol is inappropriate and based on past malice.

Respectfully Submitted,  
Abraham Hueh

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

City of Philadelphia  
Plaintiff

v.

Abraham Huth et al  
508 W. Tabor Rd  
Defendant

JRN Term, 20 19  
No. 18/203469

Control No. 19010128

MEMORANDUM OF LAW  
(Brief in support of Motion/Petition or Answer)

- (Please fill in information below)
- ① FACTUAL BACKGROUND: Defendants, Abraham Huth incorporates the Arguments of the foregoing Response to City Petition as set forth at length herein.
  - ② QUESTION PRESENTED: Have Defendants, Abraham Huth made efforts and continue to make efforts to correct the Building Code Violations Cited on December 27 2018 such that this Court should not impose a preliminary injunction as well as an order to vacate and demolish the Subject Property?

SUGGESTED ANSWER: Yes

- ③ LEGAL ARGUMENT: Reasonable time is required to correct a major repair that involved a huge financial cost to correct the violation.
- ④ CONCLUSION: Defendants Request this Honorable Court to deny the City Petition for filing before the 10 days.

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION - CIVIL

City of Philadelphia  
Plaintiff

v.  
Abraham Ituah et al  
508 W. Tabor Rd.  
Defendant

JAN Term, 20 19  
No. 18/20 3469

Control No. 19010128

MEMORANDUM OF LAW IN SUPPORT OF DEF RESPONSE  
(Please fill in information below)

granted to make corrections and it was done out of malice, as my previous experience with inspector Carol was unfriendly. Inspector Carol in one occasion, called the police to work me out of the office for no justifiable reason(s).

Respectfully Submitted,  
AL  
Abraham Ituah

CERTIFICATION OF SERVICE

I, Abraham Hueh, hereby certify that a true and correct copy of the foregoing Motion/Petition and accompanying papers, was served on the below listed addresses by First-Class United States mail, postage pre-paid on \_\_\_\_\_ (date):

Name: Abraham Hueh  
Address: 508 W. Tabor Rd  
Address: 92 Robinson Ave  
City, State, Zip Code: Philadelphia PA 19120

Name: City of Philadelphia Counsel  
Address: 401 Br 10 Blvd 5th floor  
Address: Philadelphia PA 19102  
City, State, Zip Code: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Date: 11/3/2019

By: A. Hueh

**VERIFICATION**


I, Abraham Hush, Plaintiff/Defendant, verify that the facts set forth in the foregoing are true and correct to the best of my information, knowledge and belief.

I understand that the statements contained herein are subject to the Penalties of 18 Pa.C.S.A., Section 4904 relating to unsworn falsification to authorities.

Abraham Hush  
(Print Name)

Abraham Hush  
(Signature)

Date: 9/13/2019

From: **Abraham Ituah** [aituah@aol.com](mailto:aituah@aol.com)   
Subject:  
Date: January 2, 2019 at 11:39 PM  
To: [aituah@aol.com](mailto:aituah@aol.com)

Brenda Phillips (205) 683-5028 (A)





Home Office  
5600 Beech Tree Lane  
P.O. Box 2450  
Caledonia, Michigan 49316

**FOREMOST BASICS™  
DECLARATIONS PAGE**

*Rebecca Guffy*  
*3012150058*

**POLICY NUMBER:** 381-0091201668-02

**RENEWAL OF:** 381-0091201668-01

**POLICY PERIOD BEGINNING** 02/17/17 **ENDING** 02/17/18 **12:01 A.M. STANDARD TIME**

**YOU AS NAMED INSURED AND YOUR ADDRESS**

ABRAHAM ITUAH  
PO BOX 48024  
PHILADELPHIA PA 19144-8024

*616 974 8889*  
*800 527 3907*

**YOUR POLICY IS SERVICED BY**

AMERICAN BEST INSURANCE AGENCY, LLC  
1625 WASHINGTON AVE STE 202  
PHILADELPHIA PA 19146-2045

**AGENCY CODE:**  
372430039

**TELEPHONE:**  
(215) 268-6495

**COVERAGES:** Coverage is provided only where an Amount of Insurance or a Limit of Liability is shown and a premium is stated for the Peril Insured Against. Detailed descriptions and any limitations will be found in your policy.

**LOCATION # 1**

**IMPORTANT RATING INFORMATION**

**PREMISES** 508 W TABOR RD  
**DESCRIPTION:** PHILADELPHIA PA 19120-2718

**CONSTRUCTION:** BRICK/MASONRY  
**FAMILIES:** 2  
**OCCUPANCY:** RENTAL  
**HYDRANT:** WITHIN 1,000 FEET  
**FIRE DEPT.:** WITHIN 5 MILES

**TERRITORY:** B  
**PROT. CLASS:** 1  
**RESP. FIRE DEPT.:** PHILA ENG 61  
**COUNTY:** PHILADELPHIA

**YR. BUILT:** 1949  
**FORM:** DF1

**SECTION I COVERAGES**

**AMOUNT OF INSURANCE**

**ADD'L/RETURN  
PREMIUM**

**ANNUAL  
PREMIUM**

**A. DWELLING** \$ 100,000 \$ 715.00

SECTION I LOSSES ARE SUBJECT TO A DEDUCTIBLE OF: \$5,000 ALL PERILS

**SECTION II COVERAGES**

**LIMIT OF LIABILITY**

**ADD'L/RETURN  
PREMIUM**

**ANNUAL  
PREMIUM**

**F. PREMISES LIABILITY** \$ 300,000 EA ACCIDENT \$ 165.00  
**G. MEDICAL PAYMENTS** \$ 500 EA PERSON INCLUDED  
\$ 10,000 EA ACCIDENT

**FORMS/ENDORSEMENTS THAT APPLY TO LOCATION # 1**

**ADD'L/RETURN  
PREMIUM**

**ANNUAL  
PREMIUM**

11001 03/06 DWELLING FIRE ONE - LANDLORD  
11010 05/10 REDUCTION IN COV WHEN VACANT/UNOCC.  
11110 11/13 REQUIRED CHANGE - PENNSYLVANIA

**Policy Number:** 381-0091201668-02

Form 80999 03/12 ON

**AGENT COPY**

**PAGE 1 CONTINUED**



**Customer Service** 1-866-520-6447  
**Includes 24/7 Automated Response**  
**Monday - Friday** 7 a.m. - 7 p.m. (CST)  
**Deaf or Hard of Hearing (TTY)** 1-800-562-0542



chase.com



07672 WQD Z 19417 D - BRE  
 ABRAHAM OSAZE ITUAH  
 PO BOX 48024  
 PHILADELPHIA, PA 19144-8024

### Home Equity Line of Credit Statement

**Account Number** 3901098253  
**Statement Period** 06/14/2017 - 07/13/2017  
**Minimum Payment** \$0.00

### Explanation of Payment Amount

**Principal** \$0.00  
**Interest** \$0.00  
**Monthly Payment** \$0.00

### Line of Credit Overview (as of 07/13/2017)

**Unpaid Principal Balance** \$140,458.42  
**Credit Line** \$145,700.00  
**Available for Use** \$0.00  
**Revolving Interest Rate** 4.10000%  
**Recoverable Corporate Advance** \$5,253.53

Your Unpaid Principal Balance is used to calculate your finance charges and is not a payoff quote. To request a payoff quote, please call our 24-hour automated system at 1-877-505-2894.

### Account Summary

**Previous Balance** \$140,890.16  
**Payments/Credits** \$0.00  
**Other Credits** \$0.00  
**Fees Chrgd/Advances** \$0.00  
**Interest Charged** \$0.00  
**New Balance <sup>2</sup>** \$140,890.16  
**Escrow Payment (Taxes and/or Insurance)** \$0.00

<sup>2</sup> This is not a payoff amount. To request a payoff quote, please call our 24-hour automated system at 1-877-505-2894.

### Transaction Activity Since Your Last Statement

Transaction Date	Description	Total Received	Principal	Interest	Escrow	Fees	Unapplied Funds
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No transactions since your last statement

### Important Messages

The Corporate Advance Balance may include expenses for inspections, home valuations, legal fees, property maintenance and other costs. It is listed under the Loan Overview section.

Please refer to the bankruptcy information in this statement for more information relating to your case.

For questions about your account, please call a Chase Bankruptcy Support Specialist at 1-866-520-6447, Monday through Friday, from 7:00 a.m. to 7:00 p.m. Central Time.

Please Note: This statement is not a request for payment. It is for informational purposes only. However, if you elect to make a payment, you may use the coupon attached to the bankruptcy page within this statement.

If you choose to make a payment via overnight mail, please use the following address: Chase, Attn: OH4-7126, 3415 Vision Drive, Columbus, OH 43219.

19550980400707672000102000000

0000002 1860-14C 170713 Page 1 of 3 07672





Principal	\$0.00
Interest	\$0.00
<b>Monthly Payment</b>	<b>\$0.00</b>

**Line of Credit Overview (as of 07/13/2017)**

Unpaid Principal Balance	\$140,458.42
Credit Line	\$145,700.00
Available for Use	\$0.00
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Recoverable Corporate Advance	\$5,253.53

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Fees Chrgd/Advances	\$0.00
Interest Charged	\$0.00
New Balance <sup>2</sup>	\$140,890.16
Escrow Payment (Taxes and/or Insurance)	\$0.00

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**Transaction Activity Since Your Last Statement**

Transaction Date	Description	Total Received	Principal	Interest	Escrow	Fees	Unapplied Funds
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**No transactions since your last statement**

**Important Messages**

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**Information about your bankruptcy filing**

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this statement is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. If your plan requires you to make post-petition mortgage payments directly to the Trustee, any such payments should be remitted to the Trustee directly in accordance with the orders of the Bankruptcy Court.

Please refer to the bankruptcy information on page 1 included with this statement for additional information on your case.

